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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION

In re:

JAMIE LYNN GALLIAN,

Debtor.

THE HUNTINGTON BEACH GABLES
HOMEOWNERS ASSOCIATION, a California
nonprofit mutual benefit corporation,

Plaintiff,

vs.

JAMIE L GALLIAN, an individual; RANDALL
L NICKEL, an individual, and DOES 1 through
100, inclusive,

Defendants.

Case No. 8:21-bk-11710-ES

Chapter 7

Adv. No. 8:21-ap-01095-ES

**MOTION TO CONTINUE PRE-TRIAL
CONFERENCE AND OTHER DATES;
DECLARATION OF ROBERT P. GOE
IN SUPPORT THEREOF**

Current Pre-Trial Conference

Hearing Date: July 14, 2022

Time: 9:30 a.m.

Courtroom: 5A

New Pre-Trial Conference

Hearing Date: TBD

Time: 9:30 a.m.

Courtroom: 5A

1 **TO THE HONORABLE ERITHE A. SMITH, UNITED STATES BANKRUPTCY**
2 **JUDGE, AND ALL PARTIES ENTITLED TO NOTICE:**

3 This Motion to Continue Pre-Trial Conference and Other Dates (the “Motion”) is filed by
4 Plaintiff, The Huntington Beach Gables Homeowners Association (“Plaintiff”). This Motion is
5 made with reference to the following recitals:

6 **RECITALS**

7 1. On or about July 9, 2021, Jamie Lynn Gallian (“Debtor”) filed a voluntary
8 petition under Chapter 7 of the Bankruptcy Code.

9 2. Plaintiff has filed a complaint (the “Complaint”) initiating the above captioned
10 adversary proceeding on October 18, 2021 (the “Adversary Proceeding”).

11 3. The Adversary Proceeding was commenced pursuant to Rules 7001(4) and (6) of
12 the Federal Rules of Bankruptcy Procedure and 11 U.S.C. §§ 523(a)(2)(A) and (a)(6) and
13 727(a)(2)(A), (a)(4), and (a)(5).

14 4. On October 28, 2021, Debtor filed her answer to the Complaint [Docket No. 4].

15 5. On October 28, 2021, Debtor filed multiple amended answers to the Complaint
16 [Docket Nos. 5, 6, and 7].

17 6. Plaintiff submits there are strong grounds for the Complaint, but as there are other
18 presently pending actions to deny Debtor’s discharge pursuant to Section 727 (*See Houser*
19 *Brothers v. Gallian*; Adv. 8:21-ap-01097-ES), Plaintiff has agreed to dismiss this Adversary
20 Proceeding with each party to bear its own attorneys’ fees and costs. Plaintiff will need to
21 provide notice as required in FRBP 7841.

22 7. Co-Counsel, Michael Poole, contacted Debtor concerning continuing the hearing
23 and did not receive a return call.

24 8. In the interest of efficiency for all parties and the Court, Plaintiff requests
25 continuance of the pre-trial conference for sixty (60) days or as the Court deems appropriate to
26 allow it to seek dismissal of the Adversary Proceeding.

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1 **WHEREFORE**, based on the foregoing recitals, Plaintiff requests the hearing on the Pre-
2 Trial Conference to be continued for sixty (60) days or as the Court deems appropriate.
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4 Dated: July 8, 2022

Respectfully submitted,

5 **GOE FORSYTHE & HODGES, LLP**

6 By: /s/ Robert P. Goe

7 Robert P. Goe

8 Brandon J. Iskander

9 Attorneys for Huntington Beach Gables
Homeowners Association

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DECLARATION OF ROBERT P. GOE

I, Robert P. Goe, declare as follows:

I am a partner of Goe Forsythe & Hodges, LLP, counsel for plaintiff The Huntington Beach Gables Homeowners Association (“Plaintiff”). I have personal knowledge of the facts alleged herein and if called upon as a witness I could and would competently testify thereto. This declaration is in support of the Motion to Continue the Pre-Trial Conference (the “Motion”).

1. On or about July 9, 2021, Jamie Lynn Gallian (“Debtor”) filed a voluntary petition under Chapter 7 of the Bankruptcy Code.

2. Plaintiff has filed a complaint (the “Complaint”) initiating the above captioned adversary proceeding on October 18, 2021 (the “Adversary Proceeding”).

3. The Adversary Proceeding was commenced pursuant to Rules 7001(4) and (6) of the Federal Rules of Bankruptcy Procedure and 11 U.S.C. §§ 523(a)(2)(A) and (a)(6) and 727(a)(2)(A), (a)(4), and (a)(5).

4. On October 28, 2021, Debtor filed her answer to the Complaint [Docket No. 4].

5. On October 28, 2021, Debtor filed multiple amended answers to the Complaint [Docket Nos. 5, 6, and 7].

6. Plaintiff submits there are strong grounds for the Complaint, but as there are other presently pending actions to deny Debtor's discharge pursuant to Section 727 (See Houser Brothers v. Gallian; Adv. 8:21-ap-01097-ES), Plaintiff has agreed to dismiss this Adversary Proceeding with each party to bear its own attorneys' fees and costs. Plaintiff will need to provide notice as required in FRBP 7841.

7. Co-Counsel, Michael Poole, contacted Debtor concerning continuing the hearing and did not receive a return call.

8. I declare under penalty of perjury under the laws of the United States of America
that all of the foregoing is true and correct. Executed this 8th day of July 2022 at Irvine, California.

By:/s/Robert P. Goe
Robert P. Goe

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 18101 Von Karman Avenue, Suite 1200, Irvine, CA 92612
A true and correct copy of the foregoing document entitled (*specify*): **MOTION TO CONTINUE PRE-TRIAL CONFERENCE AND OTHER DATES** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) July 8, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Robert P Goe kmurphy@goforlaw.com, rgoe@goforlaw.com; goeforecf@gmail.com
- Jeffrey I Golden (TR) lwerner@wgllp.com, jig@trustesolutions.net; kadele@wgllp.com
- Brandon J Iskander biskander@goforlaw.com, kmurphy@goforlaw.com
- Mark A Mellor mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com
- United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL:

On (*date*) July 8, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows: Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Jamie Lynn Gallian
16222 Monterey Ln Unit 376
Huntington Beach, CA 92649

Michael D Poole
Feldsott & Lee
23161 Mill Creek Dr Ste 300
Laguna Hills, CA 92653

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:

(*state the method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) July 8, 2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows: Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

- The Honorable Erithe A. Smith, USBC, 411 West Fourth Street, Santa Ana, CA 92701
(SUSPENDED DUE TO COVID-19 PROTOCOLS)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 8, 2022

Susan C. Stein

Date

Printed Name

/s/Susan C. Stein

Signature